a British cruiser while on the way to Germany with a cargo of fish, which was conditional contraband. The German Government had taken over by requisition all food supplies, which fact was generally known. *Held,* that the neutral ship was liable to condemnation as prize. *The Hakan* (1917, P. C.) 117 L. T. Rep. N. S. 619.

Prior to the Napoleonic Wars it was the general practice, adopted in England, to condemn neutral vessels carrying contraband. *The Mercurius* (1799, Eng. Adm.) 1 C. Rob. 288, note; *The Bermuda* (1865, U. S.) 3 Wall. 514, 555. This rule was relaxed in *The Neutralitet* (1801, Eng. Adm.) 3 C. Rob. 295, by Lord Stowell, who held the neutral ship non-confiscable unless the owner of the ship was also the owner of some of the contraband cargo, or the ship had sailed with false papers, or it appeared that the owners had in fact knowledge of the noxious character of the cargo. For cases illustrating respectively these three exceptions to the more liberal rule, see *The Jonge Tobias* (1799, Eng. Adm.) 1 C. Rob. 329; *The Ringende Jacob* (1798, Eng. Adm.) 1 C. Rob. 89; *The Neutralitet, supra.* They are all in reality based on the inference of the knowledge of the shipowner of the trade of his ship, and therefore on his "taking hostile part against the country of the captors" and "mixing in the war." *The Bermuda, supra.* The prize regulations of various countries by which a certain proportion of contraband on a vessel infects the vessel itself (summarized by Sir Samuel Evans, President of The Admiralty Division, in the decision in the principal case below, reported in [1916] P. 266, 278-280), and article 40 of the Declaration of London, adopted by British Orders in Council of August 20 and October 29, 1914, according to which "a vessel carrying contraband may be condemned if the contraband, reckoned either by value, weight, volume, or freight, forms more than half the cargo," merely afford a practical test in aid of the inference of knowledge on the part of the shipowner, an irrebuttable inference in England and the United States, but rebuttable, it seems, in Holland and Italy by proof of actual ignorance of the nature of the cargo. In the instant case the Judicial Committee of the Privy Council found that the circumstances clearly created a presumption of knowledge on the part of the shipowners, whereas the court below considered it unnecessary to go behind the test afforded by the fact that more than half (indeed the whole) of the cargo was contraband.

INTERSTATE COMMERCE—TRANSPORTATION OF PROPERTY BY OWNER FOR PERSONAL USE.—The defendant purchased a quart of intoxicating liquor in Kentucky and carried it into West Virginia, intending it for his own personal use. An Act of Congress declares it unlawful for anyone "to cause intoxicating liquors to be transported in interstate commerce" into any state, the laws of which prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes. *Held,* that defendant was not guilty for a violation of the Act, his transportation of liquor for personal use not amounting to "interstate commerce." *United States v. Mitchell* (1917, S. D. W. Va.) 245 Fed. 601.

See COMMENTS, p. 808.

MAINTENANCE—DEFENSES—SUCCESSFUL PROSECUTION OF MAINTAINED ACTION.—The plaintiff promoted a prize competition which required an entrance fee of three guineas. The defendants, newspaper publishers, through their columns invited competitors to bring actions to recover their entrance fees on the ground that the money had been obtained by fraudulent misrepresentation, the defendants offering to pay the legal expenses of such actions. A number of the competitors thereupon joined together and two actions, maintained by the defendants, were successfully brought against the plaintiff. The plaintiff brought suit, charging